IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.105 OF 2003

IN

WRIT PETITION NO.5696 OF 2001

Pimpri Prashala Pimpri ...Petitioner

Versus

State of Maharashtra & Ors. ...Respondents

.....

Mr.Laxman Bedekar i/b Mr.Vishwas S.Deokar

for Petitioner.

Mrs.S.S.Bhende, A.G.P. for Respondents 1 to 3.

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CORAM: A.M.KHANWILKAR, J.

JUNE 29, 2006.

P.C.

1. Heard Counsel for the parties.

2. The grievance of the Petitioner is that the direction given by the Division Bench of this Court in its order dated 3rd December 2002 in Writ Petition No.5696 of 2001 has not been substantially complied with. This grievance, however, overlooks that the order passed by another Division Bench

while considering Civil Application No.934 of 2003 filed by the Respondents for appropriate orders in view of the doubts which were required to be clarified before translating the decision of the Authority by paying the amount in terms of the order dated 3rd December 2002. That application is disposed of by the Division Bench by leaving the entire question open to be considered by the State Government on its own merits as may be advised. It is not in dispute that pursuant to the said liberty given by the Division Bench in its subsequent order dated 2nd July 2003, the concerned Officials of the State Government took informed decision by passing reasoned order on 18th October 2003. As per the amount determined under the said order, the Respondent has already paid the requisite amount to the Petitioner.

3. Viewed thus, it is not a case of wilful disobedience of the order of the Court. In case, the Petitioner is aggrieved by the final opinion expressed by the State Government or its officials in order dated 18th October 2003, it will be open to the Petitioner to carry the matter further by challenging the same under appropriate proceedings,

correctness of that decision cannot be made subject matter of present Contempt Petition. Hence, this Contempt Petition is disposed of with liberty to the Petitioner to take out such other remedy as may be advised. All issues in those proceedings are left open to be decided on its own merits. Respondents/noticees are present in Court. As this Petition is dismissed, notices issued to Respondents/Contemnors stand discharged.

A.M.KHANWILKAR, J.